

GOVERNMENT OF ANDHRA PRADESH

**ABSTRACT**

Elections – Preparation of Photo Electoral Rolls, 2008 – East Godavari District – M/s.WEBEL, Kolkata selected as District Level Agency to undertake the work – Agency left the district without any intimation to the District Election Officer – Cancellation of agreement and forfeiting of EMD as well as Performance Guarantee – Orders – Issued.

---

GENERAL ADMINISTRATION (ELECTIONS.E) DEPARTMENT

**G.O.Rt.No. 2078**

**Dated: 2<sup>nd</sup> May, 2009**

Read the following:-

1. Bid Notice No.275/Elections/E/A2/2008-6, dt.19.03.2008
2. Govt.Lr.No.275/Elections.E/08-54, Dt.01.05.2008
3. Govt.Fax Message No.275/Elections E/08-78, dt.13.05.2008
4. Govt.Fax Message No.275/Elecs.E/A2/2008-81, dt.16.05.2008
5. Govt.Fax Message No.275/Elecs.E/A2/2008-82, dt.20.05.2008
6. Govt.Fax Message No.275/Elecs.E/A2/2008, dt.30.05.2008
7. From the Collector & District Election Officer, E.G.Dist., Lr.No.Ref.H4/4460/2007-74, dt.19.08.2008.
8. Notice in Memo No.275/Elecs.E/A2/2008-306, Dt.17.01.2009
9. From M/s.WEBEL letter No.Ref.05/EC/BD/Election-AP/03/01/09, Dt.28.01.2009.
10. Govt. Letter No.275/Elecs.E/A2/2008-312, dt.07.02.2009
11. From M/s.WEBEL Letter No.Ref.05/EC/BD/Election-AP/03/02/09, Dt.16.02.2009.
12. Govt.Letter No.275/Elecs.E/A2/2008-315, Dt.19.02.2009
13. From M/s.WEBEL Letter No. Ref.05/EC/BD/Election-AP/05/02/09, Dt.24.02.2009.
14. Govt.Letter No.275/Elecs.E/A2/2008-316, Dt.25.02.2009
15. From M/s.WEBEL Letter No. Ref.05/EC/BD/Election-AP/02/03/09, Dt.05.03.2009

--:o0o:--

**ORDER:**

In the reference first read above, the Chief Electoral Officer has called tenders for capturing, sizing, numbering the digital images of new or mismatched electors and adding/correcting electoral data for such images and integrating the images with electoral data and printing of draft and final electoral rolls and storing the data in the media as specified.

2. M/s.WEBEL, Kolkata has participated in the tenders by paying an EMD for Rs.2.00 lakhs vide D.D.No.007187, dt.2.4.2008 drawn from Axis Bank Ltd., as prescribed and stood L1 for East Godavari District. Accordingly, M/s.WEBEL, Kolkata has been awarded the work of preparation of Photo Electoral Rolls in East Godavari District vide reference third read above. The agency entered the agreement and submitted Performance Bank Guarantee as per RFP vide BG No.3190100000019, dt.07.05.2008 for Rs.12,38,285/- by Axis Bank, Kolkata. But, the agency has not started the work.

3. Several notices were issued to the agency vide references 3<sup>rd</sup> to 5<sup>th</sup> read above to start the work immediately. After issue of such notices, the agency submitted action plan on 26.05.2008, but not started the work and again another notice was issued to the agency vide reference 6<sup>th</sup> read above. In their letter dt.02.06.2008, M/s.WEBEL reported that they were facing certain difficulties, due to which the work was not started and requested not to initiate any action and bear for some more time.

4. The above facts were brought to the notice of the State Level Committee on 04.06.2008 and the Committee decided that the agency be called upon for discussions of the problem facing for not starting the work in time. Accordingly, a meeting was held with the agency on 05.06.2008. The agency once again submitted revised plan of action on 06.06.2008 which was communicated to the District Election Officer, East Godavari vide Memo dt.07.06.2008.

5. The Collector & District Election Officer, East Godavari District in his letter seventh read above, has reported that M/s.WEBEL left over the work in the midway and not attended the work relating to printing of draft roll which was scheduled on 01.08.2008 causing embarrassing situation to the district administration / Office of the C.E.O. The D.E.O. has also expressed that M/s.WEBEL not yet cooperated with the district administration right from the beginning and as against 3366 polling stations in the district, the work was taken up only in 323 polling stations completing data entry in 67 polling stations only. As a result, out of 3 lakhs enumerated electors, data entry has been completed only for 25,000 electors. The agency has not taken up the printing work of 15 sets of draft photo electoral roll and simply left away the district without any intimation to the District Election Officer. Thus, it appears that M/s.WEBEL, Koltaka was not serious about completion of publication of draft electoral rolls and even though the agreement entered with the Government. As per the schedule of the E.C.I., data entry has to be done for the enquired claims and objections on or before 15.09.2008, but the agency was not in a position to continue the preparation of photo electoral roll in the district. Thus, it has shown the total failure of the agency in attending such important and time bound public work.

6. The District Election Officer has issued notice to the agency on 30.07.2008 to attend printing of draft photo electoral rolls failing which the work will be taken up locally. As the agency has not responded and since it was being a time bound work, the district administration has taken up the work locally and got printing of 15 sets of rolls and published the rolls as per schedule on 01.08.2008. Further, another notice was also issued by the D.E.O. to the agency on 08.08.2008 informing that all the agency persons have left the district without any intimation to the DEO and make necessary arrangements by 11.08.2008 for data entry of enquired claims and objections and also for printing of 15 sets of final rolls, that if no response is received from them by making necessary arrangements by 11.08.2008, the matter will be reported to the Government by recommending for cancellation of the agreement already made by them with the Government. As the agency has not responded, in the reference eighth read above, the D.E.O., East Godavari has requested to provide any other agency or issue necessary orders to take the work in the ERO Offices by arranging local systems and data entry operators. Accordingly, to complete the time bound work, District Administration was permitted to hire an agency at district level within the same rates as quoted by M/s.WEBEL., vide Govt.Memo dt.28.08.2008.

7. As per the Clause 7.10.1 of the R.F.P., if the agency fails to complete the work as per the Project Implementation Plan submitted by him or in case the work is not found in accordance with the specifications, the CEO on the recommendation of DEO shall impose a fine up to a maximum of Rs. 10,000/- per day or 1% of the contract value per week (whichever is more) for the period of delay beyond contract period subject to force majeure conditions. The maximum delay permissible will be 2 (Two) weeks. The CEO, Hyderabad retains the right to cancel the contract on the recommendation of the DEO for the entire area or a part of the area assigned to the agency and award the balance contract to some other agency at the risk and cost of the defaulting agency. In addition, the defaulting agency will be blacklisted.

8. The report of the District Election Officer, East Godavari revealed that M/s.WEBEL was not serious about the work entrusted to them. Eventhough several notices were issued, the agency failed to respond to the District Administration and much inconvenience has been faced by the district administration to complete the time bound programme of preparation of Photo electoral roll by making local arrangements within no time. The agency has left the work in the mid way without intimating the district administration. Hence, there is no other alternative left to the Government except to cancel the agreement by forfeiting the EMD as well as the Performance Bank Guarantee.

9. The matter has been placed before the State Level Committee Members for the proposed action against the agency regarding cancellation of agreement by forfeiting the EMD as well as performance guarantee by issuing a notice and the Members of the Committee while accepting the proposal, it was recorded that such agencies should not be considered for such job in future.

10. Accordingly, M/s.WEBEL, Kolkata has been directed, vide notice 8<sup>th</sup> read above, to show cause as to why action should not be taken to cancel the agreement by forfeiting the EMD as well as the Performance Bank Guarantee submitted by the agency, within 10 days from the receipt of the communication, failing which it would be construed that there is no answer with them and necessary action will be taken as proposed.

11. In their letter 9<sup>th</sup> read above, M/s.WEBEL has stated that they have received the notice in Memo dt.17.1.2009 on 27.1.2009 and requested to allow them to reply to the said letter by 15<sup>th</sup> February, 2009, so that they can collect the MIS report by then to quantify the work done by them and enable them to send specific reply. While considering the request of the agency, the agency has been allowed to submit reply to the notice by 15.02.2009 vide letter 10<sup>th</sup> read above.

12. In their further letter 11<sup>th</sup> read above, M/s.WEBEL, Kolkata has stated that most of the MIS reports have already been collected and they are processing the billing with these MIS reports and collection of the rest reports is under process and as soon as they get it, they will send specific reply along with their bills and requested not to take any action on them as they are in the job of collecting the MIS to raise their bills and also planning to visit this office with all details. Considering the request of the agency, time was once again extended upto 25<sup>th</sup> February, 2009, vide letter 12<sup>th</sup> read above.

13. M/s.WEBEL in their letter dt.24.02.2009, has informed that collection of MIS Reports which are necessary for raising bills is still going on as their representative has reached the site on 20.2.2009 and are collecting the same moving from Assembly constituencies to sub-divisions after discussion with District Election Authorities and another few days are required to complete this collection from fields; that they could not complete the job in totality due to lack of resources at that time and only a partial work was done by them. They have requested not to go for any action against them considering the above situation. Hence, the agency has been permitted to submit reply to the notice by 5<sup>th</sup> March, 2009 and it was requested to extend the Bank Guarantee submitted for a further period of three months i.e., upto 31.05.2009 vide reference 14<sup>th</sup> read above.

14. Now, M/s.WEBEL has stated, in their letter dt.5.3.2009, that as requested, the Bank Guarantee has already been extended for a further period of three months i.e., upto 31.05.2009 and their representative has already visited East Godavari Dist., and met the DEO for enhancing the process of obtaining MIS report. While enclosing the copy of bank guarantee, they have requested to give sufficient time to complete the above process and raise their bills.

15. Since January, 2009, the agency was given opportunity thrice to submit their reply , but the agency has failed to do so and still requesting to extend time.

16. Government after careful examination of the matter, have decided not to entertain any request to give further time to submit reply and also to cancel the contract agreement made on 09.05.2008 in the matter and to forfeit the E.M.D. as well as the Performance Bank Guarantee submitted by the agency forthwith.

17. Accordingly, Government hereby cancels the contract agreement made on 09.05.2008 by M/s.West Bengal Electronics Industry Development Corporation Limited (WEBEL), Kolkata by forfeiting the EMD as well as Bank Guarantee.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

I.V.SUBBA RAO,  
CHIEF ELECTORAL OFFICER &  
E.O. PRL.SECRETARY TO GOVERNMENT

To  
M/s.West Bengal Electronics Industry  
Development Corporation Limited (WEBEL),  
Webel Bhavan, Block - EP & GP,  
Sector V, Bidhannagar, Salt Lake,  
Kolkata – 700 091

**Copy to :**

The Collector & District Election Officer, East Godavari Dist., Kakinada.  
The Branch Head, AXIS Bank Ltd., Electronic Complex Branch, Salt Lake, Plot No.XI –  
16, Block EP & GP, Salt Lake City, Sector-V, Kolkata – 700091, West Bengal.  
SF/SC.

//Forwarded :: By Order//

SECTION OFFICER